

DOCUMENT CODE PET.OP

Docket No.: 134387-00100
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No. 7,662,771

Issued: February 16, 2010

First Named Inventor: Robert Jason Herr

Application No.: 10/566,342

Assignee: Emisphere Technologies, Inc.

Filed: January 27, 2006

For: **COMPOUNDS, METHODS AND
FORMULATIONS FOR THE ORAL
DELIVERY OF GLUCAGON-LIKE
PEPTIDE (GLP)-1 COMPOUND OR A
MELANOCORTIN-4 RECEPTOR (MC4)
AGONIST PEPTIDE**

Mail Stop *Petitions*
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PETITION DECISION

Dear Sir:

Applicants respectfully request reconsideration of the Decision on Request for Recalculation of Patent Term Adjustment in View of Wyeth mailed April 21, 2010 for the above-identified patent.

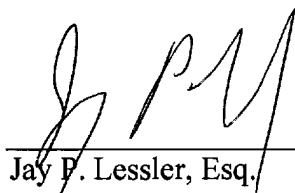
The Decision states that Applicant's Request for Recalculation is deemed ineligible for one or more of reasons (A) – (G). Applicants maintain, however, that none of reasons (A) – (G) applies to the present case. Applicants note, however, that the original Request for Recalculation of Patent Term Adjustment in View of Wyeth was filed on February 9, 2010, one week before issuance of the above-identified patent. This was an inadvertent error.

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Accordingly, Applicants request reconsideration of the Request for Recalculation filed on February 9, 2010. Alternatively, Applicants are concurrently filing a Supplemental Request for Recalculation of Patent Term Adjustment in View of Wyeth.

It is believed that no fee is due with this submission. If any fee is required, the Commissioner is hereby authorized and requested to charge such fees to Deposit Account No. 02-2555.

Dated: May 18 2010



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